



PTO/SB/08a/b (07-05)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Complete if Known			
		Application Number	09/985,679-Conf. #4024		
		Filing Date	November 5, 2001		
		First Named Inventor	Russell M. HAGAN		
		Art Unit	1617		
		Examiner Name	S. Wang		
Sheet	1	of	2	Attorney Docket Number	2801-0165P

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)	MM-DD-YYYY		
SW	AA*	US-5,719,147	02-17-1998	Dorn et al.	
SW	AB*	US-6,048,859	04-11-2000	Dorn et al.	
SW	AC*	US-6,096,742	08-01-2000	Crocker et al.	
SW	AD*	US-6,235,735	05-22-2001	Dorn et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ³
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	MM-DD-YYYY			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. * CITE NO.: Those application(s) which are marked with an single asterisk (*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T ²
SW	CA	Marked-up Copy of EP 0 533 280 B1 for European Opposition Proceeding			
	CB	Decision by the European Patent Office on Opposition Proceedings on EP 0533280 B1			
	CC	Minutes of the Oral Proceedings Before the Opposition Division dated April 2, 2004			
	CD	Ctr. for Drug Evaluation and Research, Food and Drug Admin., <u>Electronic Orange Book</u> (24 th ed. Cum. Supp. 6 June 2004) at http://www.fda.gov/cder/ob/ , query "Alosetron". Patent data last updated August 11, 2004.			
	CE	Physicians' Desk Reference, PDR® Electronic Library™, PDR Entry for EMEMD® (Aprepitant), printed from website on August 11, 2004.			
	CF	Ctr. for Drug Evaluation and Research, Food and Drug Admin., <u>Electronic Orange Book</u> (24 th ed. Cum. Supp. 6 June 2004) at http://www.fda.gov/cder/ob/ , query "Aprepitant". Patent data last updated August 5, 2004.			
	CG	Physicians' Desk Reference, PDR® Electronic Library™, PDR Entry for ANZEMET® (Dolasetron), printed from website on August 11, 2004.			
	CH	Ctr. for Drug Evaluation and Research, Food and Drug Admin., <u>Electronic Orange Book</u> (24 th ed. Cum. Supp. 6 June 2004) at http://www.fda.gov/cder/ob/ , query "Dolasetron". Patent data last updated August 11, 2004.			
	CI	Physicians' Desk Reference, PDR® Electronic Library™, PDR Entry for KYTRIL® (Granisetron), printed from website on August 11, 2004.			
	CJ	Ctr. for Drug Evaluation and Research, Food and Drug Admin., <u>Electronic Orange Book</u> (24 th ed. Cum. Supp. 6 June 2004) at http://www.fda.gov/cder/ob/ , query "Granisetron". Patent data last updated August 11, 2004.			
	CK	Physicians' Desk Reference, Vol. 46, 1069-71 (1992), Ondansetron (brand name ZOFRAN®)			
SW	CL	Ctr. for Drug Evaluation and Research, Food and Drug Admin., <u>Electronic Orange Book</u> (24 th ed. Cum. Supp. 6 June 2004) at http://www.fda.gov/cder/ob/ , query "Ondansetron". Patent data last updated August 5, 2004.			
Examiner Signature				Date Considered	11/11/06

Birch, Stewart, Kolasch & Birch, LLP

MAA:bmp

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

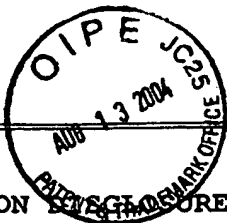
Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Complete if Known			
		Application Number	09/985,679-Conf. #4024		
		Filing Date	November 5, 2001		
		First Named Inventor	Russell M. HAGAN		
		Art Unit	1617		
		Examiner Name	S. Wang		
Sheet	2	of	2	Attorney Docket Number	2801-0165P

SW	CM	Physicians' Desk Reference, PDR® Electronic Library™, PDR Entry for ALOXI® (Palonosetron), printed from website on August 11, 2004.	
	CN	Ctr. for Drug Evaluation and Research, Food and Drug Admin., <u>Electronic Orange Book</u> (24 th ed. Cum. Supp. 6 June 2004) at < http://www.fda.gov/cder/ob/ >, query "Palonosetron". Patent data last updated August 11, 2004.	
	CO	Office Action issued by the European Patent Office on October 27, 2003, in corresponding European Application No. 99 200 338.4 - 2107	
	CP	Office Action issued by the European Patent Office on October 27, 2003, in corresponding European Application No. 99 200 337.6 - 2107	
	CQ	Introduction to Pharmacology, New Edition, 1981, Nanzandoh Co., Ltd.:Tokyo, Japan, p. 7	
	CR	Merck Index, 11 th ed. (1989) p. 6802, Ondansetron	
	CS	Seyfried C.A. et al., <u>Drug Metabolism and Drug Interactions</u> , Vol. 9, No. 2, pp. 149-160, 1991	
	CT	L. Grélot et al., <u>British Journal of Pharmacology</u> (1998) 124, 1643-1650	
	CU	Watson et al., <u>British Journal of Pharmacology</u> 115, 84-94 (1995)	
	CV	Gonsalves et al., <u>European Journal of Pharmacology</u> 305, 181-185 (1996)	
	CW	Gardner et al., <u>Regulatory Peptides</u> 65, 45-53 (1996)	
	CX	Singh et al., <u>European Journal of Pharmacology</u> 321, 209-216 (1997)	
	CY	Rupniak et al., <u>European Journal of Pharmacology</u> 326, 201-209 (1997)	
	CZ	Gardner et al., <u>Neuropharmacology</u> 37, 1643-1644 (1998)	
	CA1	Tattersall et al., <u>Neuropharmacology</u> 39, 652-663 (2000)	
SW	CB1	Tsuchiya et al., <u>Pharmacology</u> 66, 144-152 (2002)	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

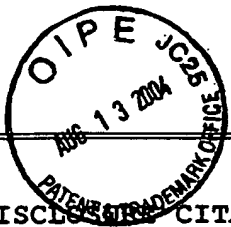
¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	<i>S. Wang</i>	Date Considered	11/11/06
Birch, Stewart, Koltsch & Birch, LLP		MAA:bmp	



Form PTO-1449				ATTY. DOCKET NO. 2801-0165P		APPLICATION NO. 09/985,679			
INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)				APPLICANT Russell M. HAGAN et al.					
				FILING DATE November 5, 2001		GROUP 1617			
U.S. PATENT DOCUMENTS									
EXAMINER INITIAL	DOCUMENT NUMBER	Kind	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE		
SW	US 5,719,147	A	1998-02-17	Dorn et al.					
	US 6,048,859	A	2000-04-11	Dorn et al.					
	US 6,096,742	A	2000-08-01	Crocker et al.					
SW	US 6,235,735	B1	2001-05-22	Dorn et al.					
FOREIGN PATENT DOCUMENTS									
	Office	DOCUMENT NUMBER	Kind	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
								YES	NO
OTHER DOCUMENTS (Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.)									
SW	Ctr. for Drug Evaluation and Research, Food and Drug Admin., <u>Electronic Orange Book</u> (24 th ed. Cum. Supp. 6 June 2004) at http://www.fda.gov/cder/ob/ , query "Alosetron". Patent data last updated August 11, 2004.								
	Physicians' Desk Reference, PDR® <u>Electronic Library™</u> , PDR Entry for EMEMD® (Aprepitant), printed from website on August 11, 2004.								
	Ctr. for Drug Evaluation and Research, Food and Drug Admin., <u>Electronic Orange Book</u> (24 th ed. Cum. Supp. 6 June 2004) at http://www.fda.gov/cder/ob/ , query "Aprepitant". Patent data last updated August 5, 2004.								
	Physicians' Desk Reference, PDR® <u>Electronic Library™</u> , PDR Entry for ANZEMET® (Dolasetron), printed from website on August 11, 2004.								
	Ctr. for Drug Evaluation and Research, Food and Drug Admin., <u>Electronic Orange Book</u> (24 th ed. Cum. Supp. 6 June 2004) at http://www.fda.gov/cder/ob/ , query "Dolasetron". Patent data last updated August 11, 2004.								
	Physicians' Desk Reference, PDR® <u>Electronic Library™</u> , PDR Entry for KYTRIL® (Granisetron), printed from website on August 11, 2004.								
	Ctr. for Drug Evaluation and Research, Food and Drug Admin., <u>Electronic Orange Book</u> (24 th ed. Cum. Supp. 6 June 2004) at http://www.fda.gov/cder/ob/ , query "Granisetron". Patent data last updated August 11, 2004.								
	<u>Physicians' Desk Reference</u> , Vol. 46, 1069-71 (1992), Ondansetron (brand name ZOFRAN®)								
	Ctr. for Drug Evaluation and Research, Food and Drug Admin., <u>Electronic Orange Book</u> (24 th ed. Cum. Supp. 6 June 2004) at http://www.fda.gov/cder/ob/ , query "Ondansetron". Patent data last updated August 5, 2004.								
SW	Physicians' Desk Reference, PDR® <u>Electronic Library™</u> , PDR Entry for ALOXI® (Palonosetron), printed from website on August 11, 2004.								
EXAMINER S. Wang				DATE CONSIDERED 11/11/00					
EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.									

GMM/las



Form PTO-1449		ATTY. DOCKET NO. 2801-0165P		APPLICATION NO. 09/985,679	
INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)				APPLICANT Russell M. HAGAN et al.	
				FILING DATE November 5, 2001	
U.S. PATENT DOCUMENTS					
EXAMINER INITIAL	DOCUMENT NUMBER	Kind	DATE	NAME	CLASS SUB CLASS FILING DATE IF APPROPRIATE
	US				
FOREIGN PATENT DOCUMENTS					
	Office	DOCUMENT NUMBER	Kind	DATE	COUNTRY CLASS SUB CLASS TRANSLATION YES NO
OTHER DOCUMENTS (Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.					
SW	Ctr. for Drug Evaluation and Research, Food and Drug Admin., <u>Electronic Orange Book</u> (24 th ed. Cum. Supp. 6 June 2004) at http://www.fda.gov/cder/ob/ , query "Palonosetron". Patent data last updated August 11, 2004.				
	Office Action issued by the European Patent Office on October 27, 2003, in corresponding European Application No. 99 200 338.4 - 2107				
	Office Action issued by the European Patent Office on October 27, 2003, in corresponding European Application No. 99 200 337.6 - 2107				
	Introduction to Pharmacology, New Edition, 1981, Nanzandoh Co., Ltd.:Tokyo, Japan, p. 7				
	Merck Index, 11 th ed. (1989) p. 6802, Ondansetron				
	Seyfried C.A. et al., <u>Drug Metabolism and Drug Interactions</u> , Vol. 9, No. 2, pp. 149-160, 1991				
	L. Grélot et al., <u>British Journal of Pharmacology</u> (1998) 124, 1643-1650				
	Watson et al., <u>British Journal of Pharmacology</u> 115, 84-94 (1995)				
	Gonsalves et al., <u>European Journal of Pharmacology</u> 305, 181-185 (1996)				
	Gardner et al., <u>Regulatory Peptides</u> 65, 45-53 (1996)				
	Singh et al., <u>European Journal of Pharmacology</u> 321, 209-216 (1997)				
SW	Rupniak et al., <u>European Journal of Pharmacology</u> 326, 201-209 (1997)				
EXAMINER G. Wang		DATE CONSIDERED 11/14/06			
EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					



Form PTO-1449		ATTY. DOCKET NO. 2801-0165P		APPLICATION NO. 09/985,679						
INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)				APPLICANT Russell M. HAGAN et al.						
				FILING DATE November 5, 2001		GROUP 1617				
U.S. PATENT DOCUMENTS										
EXAMINER INITIAL	DOCUMENT NUMBER	Kind	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE			
	US									
FOREIGN PATENT DOCUMENTS										
	Office	DOCUMENT NUMBER	Kind	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO		
OTHER DOCUMENTS (Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.)										
Sw	Gardner et al., <u>Neuropharmacology</u> 37, 1643-1644 (1998)									
Sw	Tattersall et al., <u>Neuropharmacology</u> 39, 652-663 (2000)									
Sw	Tsuchiya et al., <u>Pharmacology</u> 66, 144-152 (2002)									
EXAMINER	S. Wang				DATE CONSIDERED				11/11/06	
EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.										

Gm

GMM/las

Form PTO-1449				ATTY DOCKET NO. 2801-0165P		APPLICATION NO. 09/985,679	
INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)				APPLICANT Russell M. Hagen et al.			
FILING DATE November 5, 2001				GROUP 1617			

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	Kind	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	US						

FOREIGN PATENT DOCUMENTS								
Office	DOCUMENT NUMBER	Kind	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
							YES	NO
SW	499 313	A1	08-19-1992	EPO				
SW	63-196583		08-31-1988	JP				
SW	93/00330	A2	01-07-1993	WO				

OTHER DOCUMENTS	
(Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.)	
SW	Current Medication Manual, Rev. Ed. Nihon Rinsho, Occasional Pub., pp. 482-483, 676 (1986).
	Handbook of Medicaments, 4th Ed, Yakugyo-Jihoh K. K., pp. 1504-1505 (1989).
	Martindale, 29th Ed. pp. 722-725 (1989).
	Tsavaris et al., Journal of Pain and Symptom Management, 6(8), pp. 461-465 (1991).
	Pharmacology, Hirokawa Pub. Co., p. 21. (February 25, 1992).
	Stedman's Medical Dictionary, 3rd Ed., Medical View Co Ltd, p. 112 (May 10, 1992).
	Camu et al., European Journal of Anaesthesiology, 9 (Suppl. 6), pp. 25-31 (1992).
	Lee et al., Naunyn-Schmiedeberg's Arch Pharmacol, 318, pp. 281-287 (1982).
	W.A. Marasco et al., Biochemical and Biophysical Research Communications, 99(4), pp. 1065-1072 (April 30, 1981).
	D. Regoli et al., Tachykinin Antagonists, (Hakanson & Sundler Eds) Elsevier Sci. Pub., Amsterdam, p. 277-287 (1985).
	Tattersall et al., European Journal of Pharmacology, 250:R5-R6 (1993).
	Takagi & Ozawa, Pharmacognosy (Pocket Ed), Nanzando Co., Ltd. p. 18 (1987).
	Ward et al., J. Med. Chem., 38, pp. 4985-4992 (1995).
	Michael Wu et al., Peptides, 6, Suppl. 1, pp. 173-175 (1985).
SW	Wynn et al., European Journal of Pharmacology, 241, pp. 47-54 (1993).

EXAMINER <i>S. Wang</i>	DATE CONSIDERED 11/11/06
----------------------------	-----------------------------

EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

GMM/KJR/LPS/jao

APPLICATION NO.
09/985,679

APPLICANT

Use several sheets if necessary)

GROUP	1617
-------	------

**EDWARDER
INITIAL**

Kind

DATE _____

NAME

CLASS

SUB
CLASS

**FILING DATE
IF APPROPRIATE**

US

US

US

US

US

US

US

US

US

US

Office

Kind

DATE _____

COUNTRY

CLASS

**SUB
CLASS**

TRANSLATION

YES

NO

OTHER DOCUMENTS (Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.

Minutes of the Oral Proceedings Before the Opposition Division dated April 2, 2004

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.